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Crimes Motivated by Hate and Bias

2007-2008 Academic Year

Presented by:

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Quality Training For The Future

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Connecticut Criminal Law Foundation

POST Recertification Training Program

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Quality Training For Those Who Protect

Hartford Courant - RACHANA RATHI
Date: March 28, 2006

For the second time in two months, homophobic slurs, obscenities and references to Hitler were spray-painted across the front and auditorium walls of Tolland High School, officials said Monday.

In late January, vandals spray-painted a Nazi swastika and obscenities on the auditorium. This time, the graffiti covered the front walls and the auditorium.

April 17, 2006

WEST HARTFORD, Conn. -- West Hartford police are investigating an anti-Semitic incident over the holiday weekend involving a Nazi symbol.

An unidentified person spray-painted a large swastika in red paint on a Holocaust memorial outside a synagogue on Albany Avenue.

The painting of the Nazi symbol at Chabad House took place sometime late Saturday night or early Sunday morning.

March 8, 2007 NEW MILFORD, Conn. -- New Milford police are investigating two cases of vandalism against churches.

Police told Eyewitness News St. John's Church on Whittlesey Avenue and the Christian Life Fellowship Church on Dorwin Hill Road were both vandalized overnight.

Police said anti-Semitic remarks and the number 666 were painted on both churches. A stained-glass window was broken at one of the churches.

"These deliberate, hateful acts are both offensive and criminal in nature, and as such, we are vigorously investigating this matter," Chief Colin McCormack said in a written statement.

"Jena 6" incident – Louisiana 2006-2007

A school assembly was held on August 31, 2006. According to media reports, a black male freshman student asked the principal whether he could sit under the "white tree". According to U.S. Attorney Donald Washington, the principal stated that the question was posed in a "jocular fashion". The principal told the students they could "sit wherever they wanted." The following morning, nooses were discovered hanging from the tree.

On December 4, 2006, 17-year-old Justin Barker, a white Jena High School student, was assaulted at school. He was struck on the back of the head and knocked down by a black student. According to some witnesses, a group of black students then repeatedly kicked him.

Which was the "hate crime?"

Continuum of Personal Crimes

Where do they belong on the continuum?

Throwing a Spitball | Bullying | Hate Crime | Terrorism | 9/11 Attack

There isn't a clear line where one ends and another begins.

Elements:

Bullying: pick on someone they don't like because of:

- perceived difference (look, act, dress, talk, size, weakness,)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Bullying Definition - State

Any overt acts by a student or group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school sponsored activity or on a school bus which acts are repeated against the same student over time.
PA 02-119 now CGS §10-222d and amended by PA 06-115

Elements:

Bullying: pick on someone they don't like because of:

- perceived difference (look, act, dress, talk, size, weakness,)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Hate crime: a crime against someone they don't like because of:

- perceived difference (race, religion, sexual orientation, ethnicity)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Hate Crime Definition - Federal

A criminal offense committed against persons, property or society that is motivated by an offender's bias against an individual's or a group's perceived

- race
- religion
- ethnic/national origin
- sexual orientation
- disability

Hate Crime Definition - State

A criminal offense committed against persons, property or society that is motivated by an offender's bias against an individual's or a group's perceived

- race
- religion
- ethnic/national origin
- sexual orientation
- disability *
- gender identity or expression *

* *Added by PA 04-135, effective 10/1/04)*

Hate Crime Definition - State

- Disability: physical, mental or mental retardation
  - Physical: any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.
  - Mental disability: one or more mental disorder as defined in the American Psychiatric Association Diagnostic & Statistical Manual
  - Mental retardation: defined in CGS § 1-1g

Hate Crime Definition - State

- Gender identity or expression: means a person's gender related identity, appearance or behavior, whether or not that gender related identity, appearance or behavior is different from that traditionally associated with the person's assigned sex at birth

Elements:

Bullying: pick on someone they don't like because of:
- perceived difference (look, act, dress, talk, size, weakness,)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Hate crime: a crime against someone they don't like because of:
- perceived difference (race, religion, sexual orientation, ethnicity)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Terrorism: attempt to destroy someone they don't like because of:
- perceived difference (race, religion, ethnicity, political beliefs)
- bother, harass, injure, demean, intimidate, damage property
- think they can get away with it

Common Offender Perceptions:

You're different from me...

I don't like you...

I want to hurt you...

I can get away with it...

Connecticut Hate Crime Offenses

C.G.S. § 29-7m.

(a) On and after July 1, 1988, the Division of State Police within the Department of Public Safety shall monitor, record and classify all crimes committed in the state which are motivated by bigotry or bias.

(b) The police department, resident state trooper or constable who performs law enforcement duties for each town shall monitor, record and classify all crimes committed within such town which are violations of section 53a-181j, 53a-181k or 53a-181l and report such information to the Division of State Police within the Department of Public Safety.

Connecticut Hate Crime Offenses

§ 53a-181j. Intimidation based on bigotry or bias in the first degree: Class C felony

a. maliciously, and
b. with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person,
c. causes serious physical injury to such other person or to a third person.

Connecticut Hate Crime Offenses

§ 53a-181k. Intimidation based on bigotry or bias in the second degree: Class D felony

a. maliciously, and
b. with specific intent to intimidate or harass another person because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person,
c. (1) causes physical contact with such other person, or
(2) damages, destroys or defaces any real or personal property of such other person, or
(3) threatens, by word or act, to do so, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

Connecticut Hate Crime Offenses

§ 53a-181l. Intimidation based on bigotry or bias in the third degree: Class A misdemeanor

a. specific intent to intimidate or harass another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sexual orientation or gender identity or expression of such other person or persons,
b. (1) damages, destroys or defaces any real or personal property, or
(2) threatens, by word or act, to do so or advocates or urges another person to do so, if there is reasonable cause to believe that such an act will occur.

Intimidation Based On Bigotry/Bias Laws

malice, specific intent and serious physical injury	⇒ 1st degree C felony
malice, specific intent and • physical contact, or • damage to property or • threatens to do so and reason to believe such act will occur	⇒ 2nd degree D felony
specific intent and • damage to property or • threatens to do so or urges another person to do so and reason to believe such act will occur	⇒ 3rd degree A misdemeanor

State v. Skidd
104 Conn. App. 46
(2007)

Facts:

As Hinds (presumably an African American) was trying to get the license plate number of a vehicle he thought was engaged in illegal dumping of some boxes. The defendant, said in a loud voice, "come a little closer motherfucker," and, "this is a white man's neighborhood, and you ain't nothing but a nigger." With both hands up and his palms open, the defendant motioned for Hinds to come closer. The defendant then closed his fingers into two fists. These actions by the defendant caused Hinds to feel as if the defendant wanted to "get physical."

Challenges to the constitutionality of § 53a-181k(a)(3):

Claim: **the statute is unconstitutionally overbroad because it would prohibit any communication of an intent to engage in a harmless touching of an individual because of that individual's particular race.**

Held: **§53a-181k (a) (3) is not unconstitutionally overbroad because it is limited in its application to "true threats."**

Challenges to the constitutionality of § 53a-181k(a)(3):

Claim: **the statute is unconstitutionally vague as applied to his conduct, in that it "does not provide a sufficient basis by which an ordinary individual can assess whether his or her conduct would be proscribed by the statute."**

Held: **a person of ordinary intelligence would comprehend that the defendant's conduct in calling Hinds a "motherfucker" and a "nigger," informing him that he was in a "white man's neighborhood," making a gesture for Hinds to approach him with his hands up and palms open and then making two fists constituted a threat to cause physical contact because of Hinds' race.**

Connecticut Hate Crime Offenses

Sec. 53a-40a. Persistent offenders of crimes involving bigotry or bias. Authorized sentences.

When a person
(1) is convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, and
(2) has been, previously been convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l or section 53a- 181b in effect prior to October 1, 2000.
the court may:
(1) impose the sentence of imprisonment authorized by said section for the next more serious degree of felony or misdemeanor, or
(2) if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony.

Miscellaneous Hate Offenses

53a-179a. Inciting injury to persons or property
A person in public or private, orally, in writing, in printing or in any other manner,
a. advocates, encourages, justifies, praises, incites or solicits the unlawful burning, injury to or destruction of any public or private property or
b. advocates, encourages, justifies, praises, incites or solicits any assault upon any
i. organization of the US or CT armed forces, or
ii. the police force of this or any other state or upon any officer or member thereof or
iii. the organized police or fire departments of any municipality or any officer or member thereof, or
iv. the killing or injuring of any class or body of persons, or of any individual.

Penalty: class C felony

Miscellaneous Hate Offenses

Sec. 46a-58. Deprivation of rights. Desecration of property. Cross burning. A misdemeanor or D felony if property damage exceeds $1,000/D felony if wearing a hood.

Prohibited acts:
- subject any person to the deprivation of any rights, privileges or immunities, secured or protected by the US or CT Constitution or laws on account of religion, national origin, alienage, color, race, sex, sexual orientation*, blindness or physical disability; *(*added by PA 07-62)*
- intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person; *NOTE: "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.*
- place a real or simulated burning cross on public property, or private property without the written consent of the owner;

Miscellaneous Hate Offenses

Sec. 53-37. Ridicule on account of race, creed or color.

Prohibited acts:
- Any advertisement that ridicules or holds up to contempt any person or class of persons, on account of the creed, religion, color, denomination, nationality or race of such person or class of persons.

Penalty:
- fined up to fifty dollars or
- imprisoned not more than thirty days or both.

Miscellaneous Hate Offenses

Sec. 53-37a. Deprivation of a person's civil rights and privileges by a person wearing a mask or hood.

Prohibited acts:

With the intent to deprive another of any rights, priviledges or immunities secured or protected by the Constitution or state or federal laws on account of religion, national origin, alienage, color, race, sex, sexual orientation, blindness or physical disability, violates CGS §46a-58 while wearing a mask, hood or other device to conceal their identity. *(*added by PA 07-62)*

Penalty: class D felony.

Miscellaneous Hate Offenses

Sec. 53-37b. Deprivation of a person's equal rights and privileges by force or threat.

Prohibited acts:

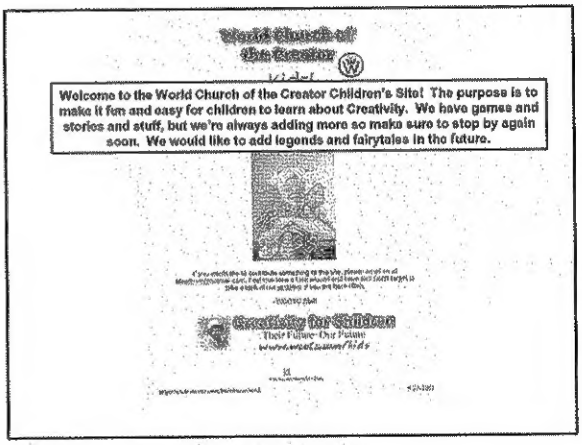
Use force or threat to deprive another of the equal protection of the laws or of equal privileges and immunities

Penalty:
- class A misdemeanor, except
- if bodily injury results, class C felony or
- if death results, class B felony.

Where does this hate come from?

Internet
Music
Video games
Movies & Videos
Friends
Family

The racist novel The Turner Diaries, which served as a blueprint for the Oklahoma City bombing, was formerly available only through "underground" channels from its publisher, the National Alliance. Now, the book an be downloaded from the Alliance's Web site – in three different languages! - *Teaching Tolerance*



We of the CHURCH OF THE CREATOR are not hypocrites. We openly state that some people need killing, that killing has always been with us and will always be with us....Killing our enemies, too, is under certain circumstances a necessary measure for the survival of our own race. Therefore we condone it, and it, too, is no sin in our religion." (Ben Klassen, The White Man's Bible)

World Church of the Creator

"If I filled a room with 1,000 neo-Nazi Skinheads and asked them, 'What's the single most important thing that influenced you to join the neo-Nazi Skinhead movement?' probably 900 of them would say the music.

- Thomas Leyden, former Skinhead and now consultant to the Simon Wiesenthal Center in Los Angeles

How do you respond to an incident?

- ✓ **Eliminate the threat and secure the scene.**
- ✓ **Stabilize victims and request medical attention if necessary.**
- ✓ **Ensure the safety of victims, witnesses and perpetrators.**
- ✓ **Restore order and gain control of the situation.**
- ✓ **Preserve the crime scene and collect and photograph physical evidence such as:**
  - **hate literature**
  - **spray paint cans**
  - **threatening letters**
  - **symbolic objects used by hate groups (i.e., swastikas, crosses)**
  - **computers, cell phones, pagers, PDA's, etc.**
  - ***Note:* there may be criminal evidence on the victim.**

- ✓ **Request the assistance of translators when needed.**
- ✓ **Conduct a preliminary investigation.**

  Record information on:
  - **identity of suspected perpetrators**
  - **identity of witnesses, including those no longer on the scene**
  - **prior occurrences, in this area or with this victim**
  - **statements made by suspects; exact wording is critical**
- ✓ **Document the incident with appropriate reporting forms**
- ✓ **Coordinate with other law enforcement agencies and community groups**
- ✓ **Deal with media and community according to policy.** ***(You do have one?)***

How do you support a victim?

Remember…

Because of the personal nature of such offenses, victims may suffer:

- *deep personal crisis;*
- *increased vulnerability to repeat attack;*
- *sense of school/community/system betrayal;*
- *acute shock and disbelief;*
- *extreme fear of certain groups;*
- *hopelessness;*
- *anger/desire for revenge;*
- *shame and humiliation;*

Victim support:

- ✓ **Remain calm, objective & professional.**
- ✓ **Ask victims how they want you to help them.**
- ✓ **Request the assistance of translators when needed.**
- ✓ **Let the victims defer answering questions if too distraught.**
- ✓ **Protect the identity of victims whenever possible.**
- ✓ **Ask victims if they have any idea why the crime happened.**
- ✓ **Reassure victims they are not to blame.**
- ✓ **Allow victims to vent feelings about the event.**
- ✓ **Encourage them to describe what happened in their own words.**
- ✓ **Ask victims to recall exact words of perpetrators.**

Victim support:

- ✓ Ask victims if they have family members for support.
- ✓ Inform them of efforts that can be made to enhance their safety.
- ✓ Reassure victims that every effort will be made to protect their anonymity during the investigation.
- ✓ Tell victims about the probable sequence of events in the investigation.
- ✓ Provide information about community and department resources available to protect and support the victims, their families and members of the community. *(You do have a directory of such services?)*

Remember also...

Such incidents may victimize the entire community and may involve:

- *community fear and tension;*
- *a sense of group vulnerability;*
- *possibility of reactive or copycat crimes;*
- *community polarization;*
- *loss of trust in school/criminal justice institutions;*
- *public property damage;*

Community support:

- ✓ Hateful acts must be denounced by proper authority.
- ✓ Public fears and confusion must be addressed.
- ✓ A system of community based support services need to be established or identified and utilized when needed.

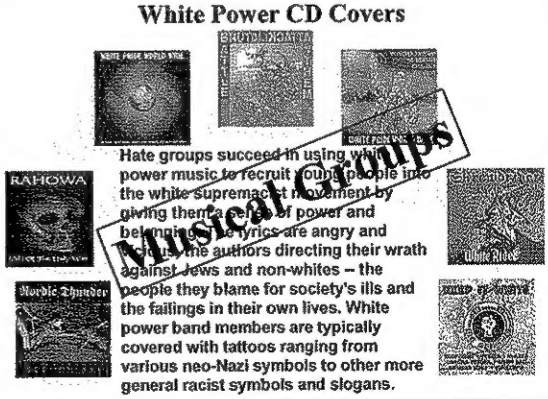
How do you prevent such incidents?

Immediate steps:

- ✓Create an unwelcome environment for hate speech and symbols.
- ✓Put the lid on hate graffiti and other vandalism.
- ✓Take a stand against hate literature, music, web site and e-mail.
- ✓Be alert to signs of student alienation and hate activity.

What are some of the signs?

White Power CD Covers

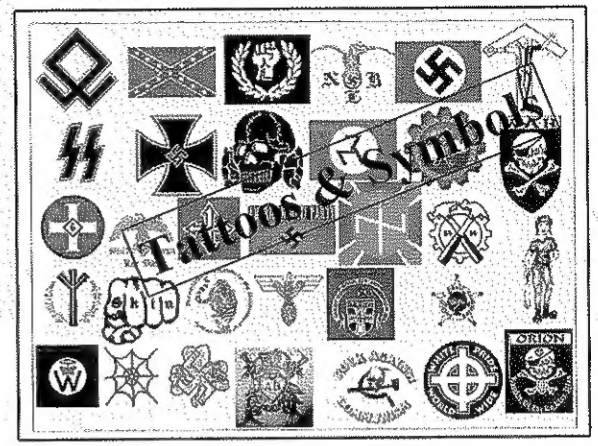


Hate groups succeed in using white power music to recruit young people into the white supremacist movement by giving them a sense of power and belonging. The lyrics are angry and violent, the authors directing their wrath against Jews and non-whites – the people they blame for society's ills and the failings in their own lives. White power band members are typically covered with tattoos ranging from various neo-Nazi symbols to other more general racist symbols and slogans.

Music & Hate

14 words	*"We must secure the existence of our people and a future for white children."*
8, 88	The 8th letter of the alphabet is "H." Eight two times signifies "HH, " shorthand for the Nazi greeting, "Heil Hitler."
5 words	*"I have nothing to say."* Alex Curtis, a San Diego-based white supremacist who coined the phrase, believes that white racists should use the phrase to demonstrate a "code of silence" and avoid prosecution by law enforcement.
311	The 11th letter of the alphabet is "K"; 3 times 11 equals "KKK."
666	The mark Satan gives to his allies so that they can avoid the punishment meted out to Christians who refuse to abandon their faith.
100%	A statement by white supremacists on the need for a pure, white race that is uncorrupted by interracial relationships.
4/19	The anniversary date of the Branch Davidians' confrontation in Waco, Texas in 1993, and the 1995 Oklahoma City bombing.
4/20	Hitler's birthday.

Number Symbols



Long range commitment:

- ✓Create policies that promote equity and respect.
- ✓Provide staff development on diversity and tolerance.
- ✓Encourage student activism and parent involvement.
- ✓Establish a network of community support.
- ✓Work closely with schools, community groups and the courts.

How do you get more information?

Contact:

Connecticut Commission on Children
18-20 Trinity Street
Hartford, CT 06106
www.cga.state.ct.us/coc/

Anti-Defamation League
1952 Whitney Avenue
Hamden, CT 06517
www.adl.org

Int'l Assn of Chiefs of Police
515 North Washington St.
Alexandria, VA 22314-2357
www.theiacp.org

Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
www.splcenter.org

Teaching Tolerance
400 Washington Avenue
Montgomery, AL 36104
www.teachingtolerance.org

http://www.adl.org/hate_symbols/default_graphics.asp

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